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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,587	10/16/2003	Sei-no-suke Mizuno	GOT-0018	5135
23353	7590	08/22/2005	EXAMINER	
RADER FISHMAN & GRAUER PLLC			KRUER, KEVIN R	
LION BUILDING			ART UNIT	PAPER NUMBER
1233 20TH STREET N.W., SUITE 501			1773	
WASHINGTON, DC 20036				

DATE MAILED: 08/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/685,587

**Applicant(s)**

MIZUNO, SEI-NO-SUKE

**Examiner**

Kevin R. Kruer

**Art Unit**

1773

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 20 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
  - a)  The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
  - b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
  - (a)  They raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  They raise the issue of new matter (see NOTE below);
  - (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: NONE.

Claim(s) objected to: NONE.

Claim(s) rejected: 1-6.

Claim(s) withdrawn from consideration: NONE.

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: \_\_\_\_\_
12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_
13.  Other: \_\_\_\_\_

***Advisory Action***

Applicant's arguments filed July 20, 2005 have been fully considered but are not persuasive. The proposed amendment filed July 20, 2005 has not been entered because it presents additional claims without canceling a corresponding number of finally rejected claims.

Applicant argues the combination of Parker and Vander Velden fails to teach or suggest the limitation "a backing material integrally bonded to a back surface of said substrate through an adhesive layer." Parker teaches a metallized laminate comprising a base layer with both surfaces coated with vapor deposited metal layers. Applicant argues by coating both surfaces of the base layer with vapor deposited metal layers, Parker's laminate cannot comprise a backing material "integrally bonded" to a back surface of said substrate through an adhesive layer. The examiner respectfully disagrees. The claim does not exclude the possibility of layers intervening between the substrate and the adhesive layer and/or the adhesive layer and the backing material.

Applicant argues the claim language does exclude the presence of layers intervening between the substrate and the adhesive layer. According to applicant, if a metal coating is interposed between the substrate and the adhesive layer, then the backing material can only be seen by one skilled in the art to be "integrally bonded" to the metal coating layer and not to the back surface of the substrate. In support of said position, Applicant points to the definition of "integral" (essential to completeness or lacking nothing essential), and argues said definition makes it clear that non-essential parts should not intervene between the substrate and the adhesive layer and/or the

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adhesive layer and the backing layer. The examiner respectfully disagrees. The laminate of the prior art "lacks" none of the recited layers and is "composed" of the claimed layers that are essential to the completeness of the claimed laminate. The examiner cannot find any reason to conclude that the phrase "integrally bonded" should be interpreted to distinguish the claimed invention from the prior art.

Applicant further argues that since the adhesive layer is interposed between the metal coating layer and the back surface of the substrate, there is no adhesive layer to bond the backing material to the metal coating layer. The examiner respectfully disagrees with applicant's reading of the reference. The adhesive taught by Parker in view of Vander Velden is between the backing material and the substrate. Thus, the art reads on the claimed invention

Since applicant's arguments are not commensurate in scope with the claim and are not persuasive, the rejection is maintained.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R. Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*KRK*

Kevin R. Kruer  
Patent Examiner-Art Unit 1773